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SENATE BILL 271

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Bernadette M. Sanchez

AN ACT

RELATING TO HEALTH; REQUIRING FUNDING FOR SUBSTANCE ABUSE
TREATMENT FOR CERTAIN MEDICAID-ELIGIBLE CLIENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. SHORT TITLE.--This act may be cited as the
"Addiction Recovery Act".

Section 2. DEFINITIONS.--As used in the Addiction
Recovery Act:

A. "department" means the department of health
insofar as it licenses facilities and the human services
department insofar as it administers or contracts for
behavioral health services;

B. "detoxification" means the process whereby a
substance-intoxicated or -dependent person is assisted to
eliminate the substance as determined by a licensed physician

underscoring material = new
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1 while keeping the physiological risk to the patient at a
2 minimum;

3 C. "facility" means a hospital licensed by the
4 department or a nonhospital residential care environment
5 licensed by the department to conduct a substance abuse
6 treatment program;

7 D. "inpatient care" means medical, nursing,
8 counseling or therapeutic care twenty-four hours a day in a
9 facility, according to an individualized treatment plan;

10 E. "medical assistance recipient" means a person
11 who is eligible for medicaid and who suffers from substance
12 abuse;

13 F. "nonhospital residential care" means medical,
14 nursing, counseling or therapeutic services provided in a
15 residential setting according to an individualized treatment
16 plan;

17 G. "outpatient care" means medical, nursing,
18 counseling or therapeutic services on a regular and
19 predetermined schedule, according to an individualized
20 treatment plan;

21 H. "partial hospitalization or intensive outpatient
22 care" means a substance abuse treatment program of medical,
23 nursing, counseling or therapeutic service on a fixed schedule
24 in a facility or nonhospital residential care environment on a
25 more intensive basis than that available in an outpatient care

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1 setting;

2 I. "substance abuse" means the use of alcohol or
3 another drug causing impairment in social or occupational
4 functioning or producing physiological dependency evidenced by
5 physical tolerance or withdrawal; and

6 J. "treatment plan" means a periodically updated
7 written guide to treatment, based on assessments, that includes
8 the medical assistance recipient's goals, activities designed
9 to help the recipient meet those goals, evaluation criteria and
10 a timeline.

11 Section 3. SUBSTANCE ABUSE TREATMENT THERAPIES INCLUDED
12 IN COVERAGE.--

13 A. A medical assistance recipient shall receive the
14 following services as a minimum covered benefit under the
15 Addiction Recovery Act:

16 (1) assessment, screening and treatment plan
17 development and review;

18 (2) physician, psychologist, nurse and
19 licensed counselor services;

20 (3) psychiatric, psychological and medical
21 laboratory tests; and

22 (4) prescription drugs, medicines, equipment
23 use and supplies.

24 B. In addition to the covered benefit required
25 under Subsection A of this section, a medical assistance

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1 recipient shall be eligible to receive as a covered benefit
2 according to the medical assistance recipient's treatment plan:

- 3 (1) inpatient care for detoxification;
4 (2) long-term or short-term nonhospital
5 residential care, partial hospitalization or intensive
6 outpatient care;
7 (3) outpatient substance abuse treatment, case
8 management and crisis intervention; and
9 (4) individual and family counseling and
10 intervention.

11 Section 4. TIME LIMITS FOR BENEFITS COVERAGE.--Each
12 covered benefit shall be offered for the minimum amount of time
13 established by current evidence-based practices and research.

14 Section 5. PARITY REQUIRED.--Notwithstanding any other
15 provision in the Addiction Recovery Act, drug treatment
16 coverage under state medical assistance shall not be less, in
17 any respect, than coverage required by the state in the
18 policies of health insurance companies or health maintenance
19 organizations.

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